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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,491	12/15/2003	William E. Mazzara JR.	GP-304240 (2760/151)	3801
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EXAMINER				
IWARERE, OLUSEYE				
ART UNIT		PAPER NUMBER		
4127				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/736,491

Applicant(s)

MAZZARA, WILLIAM E.

Examiner

Oluseye Iwarere

Art Unit

4127

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 5/09/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is a first Office Action Non-Final rejection on the merits. Claims 1 – 21, as originally filed, are currently pending and have been considered below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 6, 7, 11, 16, 17, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Loeb (6,014,641).**

As per claim 1, Loeb discloses, a method for operating a telematics unit within a mobile vehicle, the method comprising:

receiving a request to initiate at least one telematics service (col. 2, lines 63 – 65; via receiving customer orders for open-ended subscriptions to the commodity items);

determining if the at least one requested telematics service is associated with a special billing plan (col. 2, lines 66 – 67; via storing the received customer orders; receiving from suppliers subscription information for the commodity items) (col. 3, lines 14 – 15; the order information including a billing period); and

implementing the special billing plan responsive to the determination (col. 3, lines 14 – 19; via including a billing period, periodically checking a billing status of the

renewable term subscription; and transmitting payment to a publisher for the renewable term subscription when the billing status indicates that the renewable term subscription requires renewal).

As per claim 6, Loeb further discloses, comprising:

implementing a standard billing plan when the determination is negative (col. 9, lines 7 – 10; via the billing process involves a series of steps through which the system determines whether any payment from customers is due and, if so, charges those payment amounts to customer credit cards).

As per claim 7, Loeb further discloses, comprising: determining a transmission mode of the telematics unit (col. 3, lines 5 – 6; via transmitting the supplier orders to respective suppliers of the commodity items).

As per claim 11, Loeb discloses, a computer readable medium for operating a telematics unit within a mobile vehicle, comprising:

computer readable code for processing a request to initiate at least one telematics service (col. 2, lines 63 – 65; via receiving customer orders for open-ended subscriptions to the commodity items);

computer readable code for determining if the at least one requested telematics service is associated with a special billing plan (col. 2, lines 66 – 67; via storing the received customer orders; receiving from suppliers subscription information for the commodity items) (col. 3, lines 14 – 15; the order information including a billing period);
and

computer readable code for implementing the special billing plan responsive to the determination (col. 3, lines 14 – 19; via including a billing period, periodically checking a billing status of the renewable term subscription; and transmitting payment to a publisher for the renewable term subscription when the billing status indicates that the renewable term subscription requires renewal).

As per claim 16, Loeb further discloses, further:

computer readable code for implementing a standard billing plan when the determination is negative (col. 9, lines 7 – 10; via the billing process involves a series of steps through which the system determines whether any payment from customers is due and, if so, charges those payment amounts to customer credit cards).

As per claim 17, Loeb further discloses, comprising:

computer readable code for determining a transmission mode of the telematics unit (col. 3, lines 5 – 6; via transmitting the supplier orders to respective suppliers of the commodity items).

As per claim 20, Loeb discloses, wherein the updated telematics service account value is selected from the group consisting of: a special time value and a special billing time value (col. 1, lines 32 – 33; via to pay for and receive magazines for fixed periods of time, or terms).

As per claim 21, Loeb discloses a system for operating a telematics unit within a mobile vehicle, the system comprising:

means for receiving a request to initiate at least one telematics service (col. 2, lines 63 – 65; via receiving customer orders for open-ended subscriptions to the commodity items);

means for determining if the at least one requested telematics service is associated with a special billing plan (col. 2, lines 66 – 67; via storing the received customer orders; receiving from suppliers subscription information for the commodity items) (col. 3, lines 14 – 15; the order information including a billing period); and

means for implementing the special billing plan responsive to the determination (col. 3, lines 14 – 19; via including a billing period, periodically checking a billing status of the renewable term subscription; and transmitting payment to a publisher for the renewable term subscription when the billing status indicates that the renewable term subscription requires renewal).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 2, 8, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loeb (6,014,641) in view of Iwamura (6,144,946).

As per claim 2, Loeb discloses all the elements of the claimed invention, but fails to explicitly disclose operating the telematics unit within the at least one requested telematics service.

Iwamura teaches an accounting device, communicating apparatus, and communication system with the feature of operating the telematics unit within the at least one requested telematics service (col. 2, lines 11 – 12; via the information provider needs to carry out a request of a charge to the user or the like on the basis of the history).

From this teaching of Iwamura, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and apparatus for providing open-ended subscriptions of Loeb to include the request of service taught by Iwamura in order to allow the information provider to grasp a use situation of his own providing information.

As per claim 8, Loeb discloses all the elements of the claimed invention, but fails to explicitly disclose wherein the transmission mode is selected from the group consisting of: a data mode and a voice mode.

Iwamura teaches an accounting device, communicating apparatus, and communication system with the feature of, wherein the transmission mode is selected from the group consisting of: a data mode and a voice mode (col. 1, lines 11 – 13; via such as motion image data, still image data, audio data, computer data, computer program, and the like is transmitted).

From this teaching of Iwamura, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and apparatus for providing open-ended subscriptions of Loeb to include the voice and data modes taught by Iwamura in order to further facilitate the function of communication.

As per claim 12, Loeb discloses all the elements of the claimed invention, but fails to explicitly disclose, computer readable code for operating the telematics unit within the at least one requested telematics service.

Iwamura teaches an accounting device, communicating apparatus, and communication system with the feature of, computer readable code for operating the telematics unit (col. 31, line 34; a memory medium storing computer-executable codes) within the at least one requested telematics service (col. 2, lines 11 – 12; via the information provider needs to carry out a request of a charge to the user or the like on the basis of the history).

From this teaching of Iwamura, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and apparatus for providing open-ended subscriptions of Loeb to include the request of service taught

by Iwamura in order to allow the information provider to grasp a use situation of his own providing information.

As per claim 18, Loeb discloses all the elements of the claimed invention, but fails to explicitly disclose wherein the transmission mode is selected from the group consisting of: a data mode and a voice mode.

Iwamura teaches an accounting device, communicating apparatus, and communication system with the feature of, wherein the transmission mode is selected from the group consisting of: a data mode and a voice mode (col. 1, lines 11 – 13; via such as motion image data, still image data, audio data, computer data, computer program, and the like is transmitted).

From this teaching of Iwamura, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and apparatus for providing open-ended subscriptions of Loeb to include the voice and data modes taught by Iwamura in order to further facilitate the function of communication.

7. Claims 3, 4, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loeb (6,014,641) in view of Himmelstein (6,993,511).

As per claim 3, Loeb discloses, incrementing a special billing time value when the remaining time value is zero (col. 1, lines 42 – 43; via they must renew their subscriptions before they expire).

However, Loeb fails to explicitly disclose, wherein implementing the special billing plan responsive to the determination comprises:

determining if a remaining special time value of the special billing plan is not equal to zero and decrementing the remaining special time value when the remaining time value is not equal to zero.

Himmelstein teaches an electronic bartering system with the feature of implementing the special billing plan responsive to the determination comprising:

determining if a remaining special time value of the special billing plan is not equal to zero (col. 17, lines 19 – 22; via a display of the time remaining to complete the transaction appears in a "time remaining" display box 626. Should the time expire, the system 100 provides two options);

decrementing the remaining special time value when the remaining time value is not equal to zero (col. 17, lines 23 – 24; via or lose transaction in "X" seconds, with seconds decrementing on screen).

From this teaching of Himmelstein, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and apparatus for providing open-ended subscriptions to commodity of Loeb to include the implementing of the special billing plan responsive to the determination taught by Himmelstein in order to allow the customer to maintain service.

As per claim 4, Loeb discloses, wherein the remaining time value is a predetermined time value (col. 1, lines 31 – 33; via magazine subscriptions involve consumers contracting with magazine publishers to pay for and receive magazines for fixed periods of time).

As per claim 13, Loeb discloses, computer readable code (col. 13, line 12; causing a computer to manage subscriptions) for incrementing a special billing time value when the remaining time value is zero (col. 1, lines 42 – 43; via they must renew their subscriptions before they expire).

However, Loeb fails to explicitly disclose, wherein implementing the special billing plan responsive to the determination comprises:

computer readable code for determining if a remaining special time value of the special billing plan is not equal to zero and computer readable code for decrementing the remaining special time value when the remaining time value is not equal to zero.

Himmelstein teaches an electronic bartering system with the feature of implementing the special billing plan responsive to the determination comprising:

computer readable code (col. 1, line 14; this invention relates to a computer-based website) for determining if a remaining special time value of the special billing plan is not equal to zero (col. 17, lines 19 – 22; via a display of the time remaining to complete the transaction appears in a "time remaining" display box 626. Should the time expire, the system 100 provides two options);

computer readable code(col. 1, line 14; this invention relates to a computer-based website) for decrementing the remaining special time value when the remaining time value is not equal to zero (col. 17, lines 23 – 24; via or lose transaction in "X" seconds, with seconds decrementing on screen).

From this teaching of Himmelstein, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and apparatus

for providing open-ended subscriptions to commodity of Loeb to include the implementing of the special billing plan responsive to the determination taught by Himmelstein in order to allow the customer to maintain service.

As per claim 14, Loeb discloses, wherein the remaining time value is a predetermined time value (col. 1, lines 31 – 33; via magazine subscriptions involve consumers contracting with magazine publishers to pay for and receive magazines for fixed periods of time).

8. Claims 5, 9, 10, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loeb (6,014,641) in view of Neely (6,044,362).

As per claim 5, Loeb discloses all the elements of the claimed invention, but fails to explicitly disclose wherein requested telematics service is a promotional service.

Neely teaches an electronic invoicing and payment system with the feature of, wherein requested telematics service is a promotional service (col. 1, lines 49 – 51; via invoicer 10 may also include sales and promotional materials informing customer 20 of new products or sales on existing products).

From this teaching of Neely, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and apparatus for providing open-ended subscriptions of Loeb to include the promotional service taught by Neely in order to encourage the provision of service.

As per claim 9, Loeb discloses all the elements of the claimed invention, but fails to explicitly disclose, sending an updated telematics service account value to a call center.

Neely teaches an electronic invoicing and payment system with the feature of sending an updated telematics service account value to a call center (col. 2, lines 4 – 9; The customer could call into hear information about his invoice and signal changes to pre-existing arrangements, either through touch-tone entry or speech recognition. These changes are processed by the front end processor 115 and recorded in the data base just like remote-computer-based entries).

From this teaching of Neely, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and apparatus for providing open-ended subscriptions of Loeb to include the sending of updated service to a call center taught by Neely in order to further organize service information.

As per claim 10, Loeb discloses, wherein the updated telematics service account value is selected from the group consisting of: a special time value and a special billing time value (col. 1, lines 32 – 33; via to pay for and receive magazines for fixed periods of time, or terms).

As per claim 15, Loeb discloses all the elements of the claimed invention, but fails to explicitly disclose wherein requested telematics service is a promotional service.

Neely teaches an electronic invoicing and payment system with the feature of, wherein requested telematics service is a promotional service (col. 1, lines 49 – 51; via

invoicer 10 may also include sales and promotional materials informing customer 20 of new products or sales on existing products).

From this teaching of Neely, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and apparatus for providing open-ended subscriptions of Loeb to include the promotional service taught by Neely in order to encourage the provision of service.

As per claim 19, Loeb discloses all the elements of the claimed invention, but fails to explicitly disclose sending an updated telematics service account value to a call center.

Neely teaches an electronic invoicing and payment system with the feature of sending an updated telematics service account value to a call center (col. 2, lines 4 – 9; The customer could call into hear information about his invoice and signal changes to pre-existing arrangements, either through touch-tone entry or speech recognition. These changes are processed by the front end processor 115 and recorded in the data base just like remote-computer-based entries).

From this teaching of Neely, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method and apparatus for providing open-ended subscriptions of Loeb to include the sending of updated service to a call center taught by Neely in order to further organize service information.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kutaragi (2002/0,035,526), which discloses a method and system for managing fees of contents, computer program and recording medium, Matsumoto (2003/0,187,760), which discloses a content billing method, and content billing system and content billing apparatus using the content billing method, Gell (5,802,502), which discloses a system for selective communication connection based on transaction pricing signals, Libman (5,987,434), which discloses an apparatus and method for transacting marketing and sales of financial products, Muratani (6,119,109), which discloses an information distribution system and billing system used for the information distribution system, Logan (6,493,680), which discloses a method and apparatus for processing billing transactions, Landry (6,996,542), which discloses a system and method for paying bills and other obligations including selective payor and payee controls and Sako (7,062,467), which discloses an information distributing method and system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oluseye Iwarere whose telephone number is (571) 270-5112. The examiner can normally be reached on Monday to Thursday 7:30am to 5 (EDT).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571) 272-3033. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OI

/Lynda Jasmin/
Supervisory Patent Examiner, Art Unit 4127